

ORAL ARGUMENT NOT YET SCHEDULED**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT****CENTER FOR BIOLOGICAL
DIVERSITY, ET AL.,**

Petitioners,

v.**U.S. ENVIRONMENTAL PROTECTION
AGENCY, ET AL.,**

Respondents.

No. 23-1019 (consolidated
with 23-1020)**JOINT MOTION TO GOVERN AND REQUEST FOR
CONTINUANCE OF THE ABEYANCE**

Pursuant to Federal Rule of Appellate Procedure 42(b) and D.C. Circuit Rule 27(g), Petitioners and Respondents (collectively, “the Parties”) hereby submit this motion to govern as required by the Court’s order of June 30, 2023. All Petitioners in the consolidated cases are joining in this motion. They are: the States of California, Connecticut, Illinois, Maryland, New Jersey, New York, Oregon, Vermont, and Washington, and the Commonwealths of Massachusetts and Pennsylvania (State Petitioners), and Center for Biological Diversity, Friends of the Earth, and Sierra Club (Environmental Petitioners). In support of this motion, the Parties state:

1. These consolidated cases seek judicial review of an EPA action to revise particulate matter (PM) emission standards for commercial aircraft entitled: “Control of Air Pollution from Aircraft Engines: Emission Standards and Test Procedures,” 87 Fed. Reg. 72,312 (Aircraft PM Rule). The Parties here are all parties to a separate pair of consolidated petitions that sought judicial review of a previous EPA action to adopt greenhouse gas (GHG) emission standards for commercial aircraft entitled: “Control of Air Pollution from Aircraft Engines: Emission Standards and Test Procedures,” 86 Fed. Reg. 2136 (Jan. 11, 2021) (Aircraft GHG Rule). Given the overlapping questions of law and similar arguments in both sets of petitions, these cases have been held in abeyance pending decision on the Aircraft GHG Rule per the Court’s order of February 7, 2023.
2. This Court denied the petitions seeking review of the Aircraft GHG Rule on June 30, 2023, in *California v. EPA*, No. 21-1018.
3. On June 30, 2023, this Court ordered motions to govern further proceedings be filed in this matter by July 31, 2023. (Doc. #2005891.)
4. The Parties are continuing to negotiate the appropriate resolution of this case and require additional time to complete those discussions. As those negotiations might moot the need for litigation in this matter, a short extension of the motions to govern deadline is warranted.

Accordingly, the Parties respectfully request that the Court hold this case in abeyance for an additional 14 days, with new motions to govern due August 14, 2023.

Dated: July 31, 2023

Respectfully submitted,

FOR THE STATE OF CALIFORNIA

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Motion to Intervene contains 344 words and was composed in Times New Roman font, 14-point. The motion complies with applicable type-volume, typeface, and type-style requirements.

/s/ Theodore McCombs

Theodore McCombs

Deputy Attorney General for
State of California

Dated: July 31, 2023

CERTIFICATE OF SERVICE

Case **Center for Biological** No. **23-1019**
Name: **Diversity et al v. EPA, et al** _____

I hereby certify that on July 31, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**JOINT MOTION TO GOVERN AND REQUEST FOR
CONTINUANCE OF THE ABEYANCE**

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Theodore McCombs
Theodore McCombs

Deputy Attorney General for
State of California

Dated: July 31, 2023